

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

ROBERT ELLIS, JR.

PLAINTIFF

V.

CAUSE NO. 3:18-CV-127-CWR-JCG

WARDEN CHERON Y. NASH

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court pursuant to the Report and Recommendation of the United States Magistrate Judge, which was entered on January 15, 2019. Docket No. 31. The Report and Recommendation clearly notified the parties that failure to file written objections to the findings and recommendations contained therein within 14 days after service would bar further appeal in accordance with Local Rule 72. *Id.*; see 28 U.S.C. § 636 and Fed. R. Civ. P. 72(b)(2).

This Court, finding that there has been no submission of written objections by any party, hereby adopts said Report and Recommendation as the Order of this Court. Accordingly, Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgement (Docket No. 19) is granted in part and denied in part. The Complaint is dismissed without prejudice because Plaintiff did not exhaust his administrative remedies; the remainder of Defendant's motion is denied. Plaintiff's Motion to Move Forward or, in the Alternative, for Summary Judgment (Docket No. 28) and Motion to Amend to State a Claim Under the Bivens Acts (Docket No. 29) is denied. A separate Final Judgment will issue this day.

SO ORDERED, this the 29th day of March, 2019.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE